



General Assembly

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Amendment

LCO No. 5226



Offered by:

REP. FLEISCHMANN, 18th Dist.

REP. MCCARTHY VAHEY, 133rd Dist.

REP. KUPCHICK, 132nd Dist.

REP. SLAP, 19th Dist.

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SEN. BYE, 5th Dist.

To: Subst. House Bill No. 5452

File No. 257

Cal. No. 190

"AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-212c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2018*):

5 (a) (1) Not later than July 1, 2012, the Department of Education, in
6 conjunction with the Department of Public Health, shall develop [and
7 make available to each local and regional board of education]
8 guidelines for the management of students with life-threatening food
9 allergies and glycogen storage disease. The Department of Education
10 shall make the guidelines available to each local and regional board of
11 education. The guidelines shall include, but need not be limited to:
12 [(1)] (A) Education and training for school personnel on the

13 management of students with life-threatening food allergies and
14 glycogen storage disease, including training related to the
15 administration of medication with a cartridge injector pursuant to
16 subsection (d) of section 10-212a, as amended by this act, and the
17 provision of food or dietary supplements, [(2)] (B) procedures for
18 responding to life-threatening allergic reactions to food, [(3)] (C) a
19 process for the development of individualized health care and food
20 allergy action plans for every student with a life-threatening food
21 allergy, [(4)] (D) a process for the development of individualized
22 health care and glycogen storage disease action plans for every student
23 with glycogen storage disease and such plan shall include, but not be
24 limited to, the provision of food or dietary supplements by the school
25 nurse, or any school employee approved by the school nurse, to a
26 student with glycogen storage disease provided such plan shall not
27 prohibit a parent or guardian, or a person designated by such parent
28 or guardian, to provide food or dietary supplements to a student with
29 glycogen storage disease on school grounds during the school day, and
30 [(5)] (E) protocols to prevent exposure to food allergens.

31 (2) Not later than January 1, 2020, in addition to the requirements in
32 subdivision (1) of this subsection, the Department of Education, in
33 consultation with the Department of Public Health, shall revise such
34 guidelines to include (A) training for the identification and evaluation
35 of students with life-threatening food allergies or glycogen storage
36 disease, and (B) protocols that comply with the protections and
37 accommodations under Section 504 of the Rehabilitation Act of 1973, as
38 amended from time to time, the Individuals with Disabilities
39 Education Act, 20 USC 1400 et seq., as amended from time to time, and
40 the Americans with Disabilities Act, 42 USC 12101 et seq.

41 (3) Not later than January 1, 2020, and biennially thereafter, the
42 Department of Education, in consultation with the Department of
43 Public Health, shall review and update as the Commissioner of
44 Education deems necessary, the guidelines for the management of
45 students with life-threatening food allergies and glycogen storage
46 disease. The department shall make any such updated guidelines

47 available to each local and regional board of education.

48 (b) [Not later than August 15, 2012] (1) For the period of August 15,
49 2012, to December 31, 2019, inclusive, each local and regional board of
50 education shall: [(1)] (A) Implement a plan based on the guidelines
51 developed pursuant to subsection (a) of this section for the
52 management of students with life-threatening food allergies and
53 glycogen storage disease enrolled in the schools under its jurisdiction;
54 [(2)] (B) make such plan available on such board's Internet web site or
55 the Internet web site of each school under such board's jurisdiction, or
56 if such Internet web [sites do] site does not exist, make such plan
57 publicly available through other practicable means as determined by
58 such board; and [(3)] (C) provide notice of such plan in conjunction
59 with the annual written statement provided to parents and guardians
60 as required by subsection (b) of section 10-231c. [The superintendent of
61 schools for each school district shall annually attest to the Department
62 of Education that such school district is implementing such plan in
63 accordance with the provisions of this section.]

64 (2) On and after January 1, 2020, in addition to the requirements in
65 subdivision (1) of this subsection, each local and regional board of
66 education shall: (A) Require that all relevant course curriculum and
67 any school culinary program, other than those offered at a technical
68 high school, implement allergen restrictions and safety protocols to
69 allow students with life-threatening food allergies to participate; and
70 (B) include such plan in any programs relating to school climate or
71 wellness adopted by such board.

72 (3) The superintendent of schools for each school district shall
73 annually attest to the Department of Education that such school
74 district is implementing such plan in accordance with the provisions of
75 this section.

76 Sec. 2. (NEW) (*Effective July 1, 2018*) (a) As used in this section:

77 (1) "Carrier" has the same meaning as provided in section 14-212 of
78 the general statutes;

79 (2) "School bus driver" means any person who holds a commercial
80 driver's license with a public passenger endorsement to operate a
81 school bus pursuant to subsection (a) of section 14-44 of the general
82 statutes;

83 (3) "School bus" has the same meaning as provided in section 14-1 of
84 the general statutes; and

85 (4) "Cartridge injector" means an automatic prefilled cartridge
86 injector or similar automatic injectable equipment used to deliver
87 epinephrine in a standard dose for emergency first aid response to
88 allergic reactions.

89 (b) (1) Not later than June 30, 2019, each carrier shall provide the
90 training described in subsection (c) of this section to all of its school
91 bus drivers.

92 (2) On and after July 1, 2019, each carrier shall provide the training
93 described in subsection (c) of this section to a school bus driver as
94 follows:

95 (A) In the case of a school bus driver who is employed by such
96 carrier, such training shall be provided to such school bus driver
97 following the issuance or renewal of a public passenger endorsement
98 to operate a school bus pursuant to subsection (a) of section 14-44 of
99 the general statutes, to such school bus driver; and

100 (B) In the case of a school bus driver who is not employed by such
101 carrier at the time when such endorsement is issued or renewed to
102 such school bus driver, upon the hiring of such school bus driver by
103 such carrier, except such carrier shall not be required to provide such
104 training to any school bus driver who has previously received such
105 training following the most recent issuance or renewal of such
106 endorsement to such school bus driver.

107 (c) The training required under this section shall include, but need
108 not be limited to, instruction on (1) the identification of the signs and

109 symptoms of anaphylaxis, (2) the administration of epinephrine by a
110 cartridge injector, (3) the notification of emergency personnel, and (4)
111 the reporting of an incident involving a student and a life-threatening
112 allergic reaction. Such training may be completed using an online
113 module, provided such online module meets the requirements of this
114 section.

115 Sec. 3. Subdivision (2) of subsection (a) of section 10-212a of the
116 general statutes is repealed and the following is substituted in lieu
117 thereof (*Effective July 1, 2018*):

118 (2) Each local and regional board of education that allows a school
119 nurse or, in the absence of such nurse, any other nurse licensed
120 pursuant to the provisions of chapter 378, including a nurse employed
121 by, or providing services under the direction of a local or regional
122 board of education at, a school-based health clinic, who shall
123 administer medical preparations only to students enrolled in such
124 school-based health clinic in the absence of a school nurse, the
125 principal, any teacher, licensed athletic trainer, licensed physical or
126 occupational therapist employed by a school district, coach of
127 intramural and interscholastic athletics or school paraprofessional of a
128 school to administer medicine or that allows a student to possess, self-
129 administer or possess and self-administer medicine, including
130 medicine administered through the use of an asthmatic inhaler or an
131 automatic prefilled cartridge injector or similar automatic injectable
132 equipment, shall adopt written policies and procedures, in accordance
133 with this section and the regulations adopted pursuant to subsection
134 (c) of this section, that shall be approved by the school medical
135 advisor, if any, or other qualified licensed physician. Once so
136 approved, such administration of medication shall be in accordance
137 with such policies and procedures.

138 Sec. 4. Subsection (c) of section 10-212a of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective July*
140 *1, 2018*):

141 (c) The State Board of Education, in consultation with the
142 Commissioner of Public Health, shall adopt regulations, in accordance
143 with the provisions of chapter 54, determined to be necessary by the
144 board to carry out the provisions of this section, including, but not
145 limited to, regulations that (1) specify conditions under which a coach
146 of intramural and interscholastic athletics may administer medicinal
147 preparations, including controlled drugs specified in the regulations
148 adopted by the commissioner, to a child participating in such
149 intramural and interscholastic athletics, (2) specify conditions and
150 procedures for the administration of medication by school personnel to
151 students, including the conditions and procedures for the storage and
152 administration of epinephrine by school personnel to students for the
153 purpose of emergency first aid to students who experience allergic
154 reactions and who do not have a prior written authorization for the
155 administration of epinephrine, in accordance with the provisions of
156 subdivision (2) of subsection (d) of this section, and (3) specify
157 conditions for the possession, self-administration or possession and
158 self-administration of medication by students, including permitting a
159 child diagnosed with: (A) Asthma to retain possession of an asthmatic
160 inhaler at all times while attending school for prompt treatment of the
161 child's asthma and to protect the child against serious harm or death
162 provided a written authorization for self-administration of medication
163 signed by the child's parent or guardian and an authorized prescriber
164 is submitted to the school nurse; and (B) an allergic condition to retain
165 possession of an automatic prefilled cartridge injector or similar
166 automatic injectable equipment at all times, including while attending
167 school or receiving school transportation services, for prompt
168 treatment of the child's allergic condition and to protect the child
169 against serious harm or death provided a written authorization for
170 self-administration of medication signed by the child's parent or
171 guardian and an authorized prescriber is submitted to the school
172 nurse. The regulations shall require authorization pursuant to: (i) The
173 written order of a physician licensed to practice medicine in this or
174 another state, a dentist licensed to practice dental medicine in this or
175 another state, an advanced practice registered nurse licensed under

176 chapter 378, a physician assistant licensed under chapter 370, a
177 podiatrist licensed under chapter 375, or an optometrist licensed under
178 chapter 380; and (ii) the written authorization of a parent or guardian
179 of such child.

180 Sec. 5. Subsection (d) of section 10-212a of the general statutes is
181 repealed and the following is substituted in lieu thereof (*Effective July*
182 *1, 2018*):

183 (d) (1) (A) With the written authorization of a student's parent or
184 guardian, and (B) pursuant to the written order of a qualified medical
185 professional, a school nurse and a school medical advisor, if any, may
186 jointly approve and provide general supervision to an identified
187 school paraprofessional to administer medication, including, but not
188 limited to, medication administered with a cartridge injector, to a
189 specific student with a medically diagnosed allergic condition that
190 may require prompt treatment in order to protect the student against
191 serious harm or death.

192 (2) A school nurse or, in the absence of a school nurse, a qualified
193 school employee shall maintain epinephrine in cartridge injectors for
194 the purpose of emergency first aid to students who experience allergic
195 reactions and do not have a prior written authorization of a parent or
196 guardian or a prior written order of a qualified medical professional
197 for the administration of epinephrine. A school nurse or a school
198 principal shall select qualified school employees to administer such
199 epinephrine under this subdivision, and there shall be at least one such
200 qualified school employee on the grounds of the school during regular
201 school hours in the absence of a school nurse. A school nurse or, in the
202 absence of such school nurse, such qualified school employee may
203 administer such epinephrine under this subdivision, provided such
204 administration of epinephrine is in accordance with policies and
205 procedures adopted pursuant to subsection (a) of this section. Such
206 administration of epinephrine by a qualified school employee shall be
207 limited to situations when the school nurse is absent or unavailable.
208 No qualified school employee shall administer such epinephrine under

209 this subdivision unless such qualified school employee annually
210 completes the training program described in section 10-212g. The
211 parent or guardian of a student may submit, in writing, to the school
212 nurse and school medical advisor, if any, that epinephrine shall not be
213 administered to such student under this subdivision.

214 (3) In the case of a student with a medically diagnosed life-
215 threatening allergic condition, (A) with the written authorization of
216 such student's parent or guardian, and (B) pursuant to the written
217 order of a qualified medical professional, such student may possess,
218 self-administer or possess and self-administer medication, including,
219 but not limited to, medication administered with a cartridge injector,
220 to protect such student against serious harm or death.

221 [(3)] (4) For purposes of this subsection, (A) "cartridge injector"
222 means an automatic prefilled cartridge injector or similar automatic
223 injectable equipment used to deliver epinephrine in a standard dose
224 for emergency first aid response to allergic reactions, (B) "qualified
225 school employee" means a principal, teacher, licensed athletic trainer,
226 licensed physical or occupational therapist employed by a school
227 district, coach or school paraprofessional, and (C) "qualified medical
228 professional" means (i) a physician licensed under chapter 370, (ii) an
229 optometrist licensed to practice optometry under chapter 380, (iii) an
230 advanced practice registered nurse licensed to prescribe in accordance
231 with section 20-94a, or (iv) a physician assistant licensed to prescribe in
232 accordance with section 20-12d.

233 Sec. 6 Section 52-557b of the general statutes is repealed and the
234 following is substituted in lieu thereof (*Effective July 1, 2018*):

235 (a) A person licensed to practice medicine and surgery under the
236 provisions of chapter 370 or dentistry under the provisions of section
237 20-106 or members of the same professions licensed to practice in any
238 other state of the United States, a person licensed as a registered nurse
239 under section 20-93 or 20-94 or certified as a licensed practical nurse
240 under section 20-96 or 20-97, a medical technician or any person

241 operating a cardiopulmonary resuscitator or a person trained in
242 cardiopulmonary resuscitation in accordance with the guidelines set
243 forth by the American Red Cross or American Heart Association, or a
244 person operating an automatic external defibrillator, who, voluntarily
245 and gratuitously and other than in the ordinary course of such person's
246 employment or practice, renders emergency medical or professional
247 assistance to a person in need thereof, shall not be liable to such person
248 assisted for civil damages for any personal injuries which result from
249 acts or omissions by such person in rendering the emergency care,
250 which may constitute ordinary negligence. A person or entity that
251 provides or maintains an automatic external defibrillator shall not be
252 liable for the acts or omissions of the person or entity in providing or
253 maintaining the automatic external defibrillator, which may constitute
254 ordinary negligence. The immunity provided in this subsection does
255 not apply to acts or omissions constituting gross, wilful or wanton
256 negligence. With respect to the use of an automatic external
257 defibrillator, the immunity provided in this subsection shall only apply
258 to acts or omissions involving the use of an automatic external
259 defibrillator in the rendering of emergency care. Nothing in this
260 subsection shall be construed to exempt paid or volunteer firefighters,
261 police officers or emergency medical services personnel from
262 completing training in cardiopulmonary resuscitation or in the use of
263 an automatic external defibrillator in accordance with the guidelines
264 set forth by the American Red Cross or American Heart Association.
265 For the purposes of this subsection, "automatic external defibrillator"
266 means a device that: (1) Is used to administer an electric shock through
267 the chest wall to the heart; (2) contains internal decision-making
268 electronics, microcomputers or special software that allows it to
269 interpret physiologic signals, make medical diagnosis and, if
270 necessary, apply therapy; (3) guides the user through the process of
271 using the device by audible or visual prompts; and (4) does not require
272 the user to employ any discretion or judgment in its use.

273 (b) A paid or volunteer firefighter or police officer, a teacher or
274 other school personnel on the school grounds or in the school building

275 or at a school function, a member of a ski patrol, a lifeguard, a
276 conservation officer, patrol officer or special police officer of the
277 Department of Energy and Environmental Protection, or emergency
278 medical service personnel, who has completed a course in first aid
279 offered by the American Red Cross, the American Heart Association,
280 the National Ski Patrol, the Department of Public Health or any
281 director of health, as certified by the agency or director of health
282 offering the course, and who renders emergency first aid to a person in
283 need thereof, shall not be liable to such person assisted for civil
284 damages for any personal injuries which result from acts or omissions
285 by such person in rendering the emergency first aid, which may
286 constitute ordinary negligence. No paid or volunteer firefighter, police
287 officer or emergency medical service personnel who forcibly enters the
288 residence of any person in order to render emergency first aid to a
289 person whom such firefighter, police officer or emergency medical
290 service personnel reasonably believes to be in need thereof shall be
291 liable to such person for civil damages incurred as a result of such
292 entry. The immunity provided in this subsection does not apply to acts
293 or omissions constituting gross, wilful or wanton negligence.

294 (c) An employee of a railroad company, including any company
295 operating a commuter rail line, who has successfully completed a
296 course in first aid, offered by the American Red Cross, the American
297 Heart Association, the National Ski Patrol, the Department of Public
298 Health or any director of health, as certified by the agency or director
299 of health offering the course, and who renders emergency first aid or
300 cardiopulmonary resuscitation to a person in need thereof, shall not be
301 liable to such person assisted for civil damages for any personal injury
302 or death which results from acts or omissions by such employee in
303 rendering the emergency first aid or cardiopulmonary resuscitation
304 which may constitute ordinary negligence. The immunity provided in
305 this subsection does not apply to acts or omissions constituting gross,
306 wilful or wanton negligence.

307 (d) A railroad company, including any commuter rail line, which
308 provides emergency medical training or equipment to any employee

309 granted immunity pursuant to subsection (c) of this section shall not be
310 liable for civil damages for any injury sustained by a person or for the
311 death of a person which results from the company's acts or omissions
312 in providing such training or equipment or which results from acts or
313 omissions by such employee in rendering emergency first aid or
314 cardiopulmonary resuscitation, which may constitute ordinary
315 negligence. The immunity provided in this subsection does not apply
316 to acts or omissions constituting gross, wilful or wanton negligence.

317 (e) (1) For purposes of this subsection, "cartridge injector" means an
318 automatic prefilled cartridge injector or similar automatic injectable
319 equipment used to deliver epinephrine in a standard dose for
320 emergency first aid response to allergic reactions.

321 (2) Any volunteer worker associated with, or any person employed
322 to work for, a program offered to children sixteen years of age or
323 younger by a corporation, other than a licensed health care provider,
324 that is exempt from federal income taxation under Section 501 of the
325 Internal Revenue Code of 1986, or any subsequent corresponding
326 internal revenue code of the United States, as from time to time
327 amended, who (A) has been trained in the use of a cartridge injector by
328 a licensed physician, physician assistant, advanced practice registered
329 nurse or registered nurse, (B) has obtained the consent of a parent or
330 legal guardian to use a cartridge injector on his or her child, and (C)
331 uses a cartridge injector on such child in apparent need thereof
332 participating in such program, shall not be liable to such child assisted
333 or to such child's parent or guardian for civil damages for any personal
334 injury or death which results from acts or omissions by such worker in
335 using a cartridge injector which may constitute ordinary negligence.
336 The immunity provided in this subsection does not apply to acts or
337 omissions constituting gross, wilful or wanton negligence.

338 (3) A corporation, other than a licensed health care provider, that is
339 exempt from federal income taxation under Section 501 of the Internal
340 Revenue Code of 1986, or any subsequent corresponding internal
341 revenue code of the United States, as from time to time amended,

342 which provides training in the use of cartridge injectors to any
343 volunteer worker granted immunity pursuant to subdivision (2) of this
344 subsection shall not be liable for civil damages for any injury sustained
345 by, or for the death of, a child sixteen years of age or younger who is
346 participating in a program offered by such corporation, which injury
347 or death results from acts or omissions by such worker in using a
348 cartridge injector, which may constitute ordinary negligence. The
349 immunity provided in this subsection does not apply to acts or
350 omissions constituting gross, wilful or wanton negligence.

351 (f) A teacher or other school personnel, on the school grounds or in
352 the school building or at a school function, who has completed both a
353 course in first aid in accordance with subsection (b) of this section and
354 a course given by the medical advisor of the school or by a licensed
355 physician in the administration of medication by injection, who
356 renders emergency care by administration of medication by injection
357 to a person in need thereof, shall not be liable to the person assisted for
358 civil damages for any injuries which result from acts or omissions by
359 the person in rendering the emergency care of administration of
360 medication by injection, which may constitute ordinary negligence.
361 The immunity provided in this subsection does not apply to acts or
362 omissions constituting gross, wilful or wanton negligence.

363 (g) The provisions of this section shall not be construed to require
364 any teacher or other school personnel to render emergency first aid or
365 administer medication by injection.

366 (h) Any person who has completed a course in first aid offered by
367 the American Red Cross, the American Heart Association, the National
368 Ski Patrol, the Department of Public Health or any director of health,
369 as certified by the agency or director of health offering the course, or
370 has been trained in the use of a cartridge injector by a licensed
371 physician, physician assistant, advanced practice registered nurse or
372 registered nurse, and who, voluntarily and gratuitously and other than
373 in the ordinary course of such person's employment or practice,
374 renders emergency assistance by using a cartridge injector on another

375 person in need thereof, or any person who is an identified staff
 376 member of a before or after school program, day camp or child care
 377 facility, as defined in section 19a-900, and who renders emergency
 378 assistance by using a cartridge injector on another person in need
 379 thereof, shall not be liable to such person assisted for civil damages for
 380 any personal injuries which result from acts or omissions by such
 381 person in using a cartridge injector, which may constitute ordinary
 382 negligence. The immunity provided in this subsection does not apply
 383 to acts or omissions constituting gross, wilful or wanton negligence.
 384 For the purposes of this subsection, "cartridge injector" has the same
 385 meaning as provided in subdivision (1) of subsection (e) of this section.

386 (i) A school bus driver, on or in the immediate vicinity of a school
 387 bus during the provision of school transportation services, who
 388 renders emergency care by administration of medication with a
 389 cartridge injector to a student in need thereof who has a medically
 390 diagnosed allergic condition that may require prompt treatment in
 391 order to protect the student against serious harm or death, shall not be
 392 liable to the student assisted for civil damages for any injuries which
 393 result from acts or omissions by the school bus driver in rendering the
 394 emergency care of administration of medication with a cartridge
 395 injector, which may constitute ordinary negligence. The immunity
 396 provided in this subsection does not apply to acts or omissions
 397 constituting gross, wilful or wanton negligence. For the purposes of
 398 this subsection, "cartridge injector" has the same meaning as provided
 399 in subdivision (1) of subsection (e) of this section."

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2018	10-212c
Sec. 2	July 1, 2018	New section
Sec. 3	July 1, 2018	10-212a(a)(2)
Sec. 4	July 1, 2018	10-212a(c)
Sec. 5	July 1, 2018	10-212a(d)
Sec. 6	July 1, 2018	New section